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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant: Hansjoerg REIMANN et al.

Title: METHOD FOR THE PRODUCTION OF (POLY)PEPTIDES BY USING TRUNCATED VARIANTS OF THE SV40 LARGE T ANTIGEN WITH AN INTACT N TERMINUS

Appl. No.: 09/806,580

Filing Date: 07/02/2001

Examiner: Myron G. Hill

Art Unit: 1648

#12
Election
5.16.03

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Box NON-FEE AMENDMENT
Washington, D.C. 20231

Sir:

In response to the restriction requirement set forth in the Office Action mailed March 10, 2003, Applicant hereby provisionally elects Group I, Claims 38-51, 52-53, 55 and 56, drawn to a polynucleotide encoding a fusion protein, a vector or a host cell containing the polynucleotide and a method of using the polynucleotide to make a fusion protein, for examination, with traverse. Enclosed is a petition for a one-month extension of time to extend the time to respond to May 10, 2003 and the requisite fee. As May 10, 2003 is a Saturday, this response is filed on Monday, May 12, 2003, is a timely response. If the petition or fee is deficient or absent, please consider this paragraph a request for the extension of time and an authorization to withdraw the appropriate fee under from Deposit Account No. 19-0741.

The Examiner has required restriction between Claims 38-53, 55 and 56 (Group I), drawn to a polynucleotide encoding a fusion protein, a vector containing the polynucleotide, a host cell containing the polynucleotide and a method of using the host cell containing the polynucleotide, and Claims 54, 57-66 (Groups II- VII), drawn to a fusion protein encoded by the polynucleotide, a method for producing an antibody, a method of immunizing a subject, and in vitro detection of an epitope, a pharmaceutical/vaccine composition, and a kit or diagnostic composition. The

Examiner states that the special technical feature of the subject matter of Group I is not required in the claimed subject matter of Groups II-VII. Applicants respectfully traverse this rejection. It is noted that the Examiner states that if Group I is elected, one specific product of claims 59 and 60 will be examined as it reads on the elected product with the claims of Group I. However, applicants note that each of products, (a) the polynucleotide of claim 38, (b) a vector comprising said polynucleotide and (c) a host cell comprising said polynucleotide or a vector comprising said polynucleotide as recited in claim 59 and the polynucleotide of claim 38 and a vector comprising said polynucleotide as recited in claim 60 are products that are claimed and grouped in Group I by the Examiner. Therefore, it is requested that claims 59 and 60 be examined to the extent that they read on the embodiments in the claims of Group I. Additionally, it is requested that the Examiner reconsider the examination of Group VI, Claims 64-66, in regard to the extent that they read on the embodiments in the claims of Group I. As with claim 60, the polynucleotide of claim 38 and a vector comprising said polynucleotide that are claimed in claim 64 are products that are claimed and grouped in Group I by the Examiner. Therefore, applicants respectfully request the reconsideration of the Restriction Requirement and request examination of claims 59, 60 and 64-66 of the embodiments that are claimed in elected Group I.

Applicants, of course, reserve the right to file one or more divisional applications covering the subject matter of the non-elected claims. Examination on the merits is kindly requested.

Respectfully submitted,

Date May 12, 2003

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